



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

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February 14th, 2001

Minutes of the February 14th, 2001, meeting of the Commission on Governmental Ethics and Election Practices held in the Commission Hearing Room, 242 State Street, Augusta, Maine.

Present: Chairman: Peter B. Webster; Members: Hon. Michael Carpenter, Hon. Virginia Constantine, Dr. Linda W. Cronkhite, and Hon. Harriet P. Henry (telephonically); Executive Director William C. Hain, III; Counsel Phyllis Gardiner, Esq.; and Commission Assistant Diana True.

Chair Webster called the meeting to order at 10:01 a.m.

Mr. Hain informed the Commission that Attorney Ann R. Robinson, in her letter dated February 7th, 2001, had requested an opportunity to petition the Commission for reconsideration of its finding of January 10th, 2001. The Commission, by a vote of 3-2 (Chair Webster and Judge Henry opposed), had found that the communication at issue in the complaint filed by the Maine Democratic Party against the Maine Republican Party and Maine GOP Victory 2000/MRP constituted "express advocacy." Attorney Ann Robinson addressed the Commission explaining the basis of her request for reconsideration. However, absent a motion for reconsideration from a proponent of the original motion, the Commission decided not to reconsider the previous decision and to move forward with final consideration of pending issues at the March meeting.

The Commission then considered items on the published agenda as follows:

Agenda Item #2A: Ms. Sandra S. Choate complaint against House Democratic Campaign Committee (tabled from previous meeting)

By letter dated November 1st, 2000, Ms. Choate filed a complaint against the House Democratic Campaign Committee questioning the nature of the expenditure by the Committee in support of Representative Elizabeth Watson and whether that expenditure constituted an in-kind contribution to Representative Watson's campaign or should have been reported as an independent expenditure that may have triggered matching funds for Representative Watson's opponent. Mr. Rick Pelletier, former Director of the House Democratic Campaign Committee appeared and conceded that the Committee had made a mistake and should have reported the independent expenditure two (2) days earlier. Based upon that statement and the information provided previously, Ms. Cronkhite moved, Ms. Constantine seconded, and the Commission voted unanimously to assess a \$33.80 penalty for the late filing of the independent expenditure report.

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Agenda Item #2B: Maine Democratic Party request for investigation and complaint against Maine Unlimited PAC and Senator Richard A. Bennett (tabled from previous meeting)

Ms. Barbara Rath, former Executive Director of the Maine Democratic Party, addressed the Commission regarding the allegation of numerous reporting violations and violations of the Maine Clean Election Act by the Maine Unlimited Political Action Committee and Senator Richard A. Bennett. She concluded that the letter from Mr. Dan Billings that responded to those allegations actually raised more questions than it answered. Mr. Dan Billings, Treasurer of the Maine Unlimited PAC, explained the erroneous November 3rd 48-hour report of \$11,714.43, and acknowledged that he should have filed a correcting amendment, but had not done so. He addressed the statutory requirements for providing receipts, contracts, etc., and stated that he had provided the Commission with as complete information as possible. Following Commission discussion, Ms. Constantine moved, Ms. Cronkhite seconded, and the Commission voted unanimously to take no further action. That decision was based upon the Commission's previous determination of "express" versus "issue" advocacy as applied to the political communication at issue (i.e., Edmonds complaint against Maine Unlimited PAC) and the supplemental information presented by Maine Unlimited PAC.

Agenda Item #3A: Michael A. Vaughan

By request of Mr. Vaughan and his campaign Treasurer, who was not available to attend the February meeting, Ms. Constantine moved, Ms. Mr. Carpenter seconded, and the Commission voted unanimously to table consideration of the matter involving Mr. Vaughan until the March meeting.

Agenda Item #3C: Senator Neria R. Douglass

Mr. Bruce Nadeau, Senator Douglass' Treasurer, appeared and explained that the report had been late because he had discovered an error and took time to correct it. He requested the Commission to take notice of the fact that this was the first late report and to consider that Maine has a citizen legislature that is staffed by volunteers. He also suggested that reporting periods and deadlines be coordinated, that the Commission offer electronic filing of reports, and that reports be accepted with one signature instead of both the candidate and treasurer. Following discussion, Ms. Constantine moved, Mr. Carpenter seconded and the Commission voted unanimously to assess a \$21.28 penalty.

Agenda Item #3D: Mark Cenci

Mr. Cenci appeared and admitted that he probably has the worse track record of anyone for filing late reports, but not because he is disrespectful of the reporting requirements. He noted that he administers waste water disposal regulations and as chair of the Libertarian Party he is familiar with regulations. He stated his belief that people are confused and frustrated with the reporting procedures and the forms and that adds to the reporting burden. He proposed to the Commission that instead of assessing a monetary penalty the Commission should accept his offer to spend

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time in the Commission offices to help the staff develop reporting forms that are more straightforward. Ms. Cronkhite inquired of Mr. Cenci whether his previous violations had been a result of the same problem, to which he responded affirmatively. Ms. Constantine then moved, Mr. Carpenter seconded, and the Commission voted unanimously to assess a \$162.50 penalty. Mr. Cenci responded that he was not going to pay that or any penalty, to which Chair Webster responded that he was sorry that Mr. Cenci felt that way and excused Mr. Cenci.

Agenda Item #4B: Michele A. MacLean, Lobbyist for five (5) employers

Ms. MacLean addressed the Commission, noted that she would not repeat the contents of her letter, and offered to respond to any question. Following discussion of the past practice regarding penalty assessment of lobbyists with multiple employers, Ms. Constantine moved, Ms. Cronkhite seconded, and the Commission voted unanimously to assess a \$250 penalty.

Agenda Item #4D: Susan Dore, Lobbyist for Maine Credit Union League

Ms. Dore appeared and apologized to the Commission for her late report. Following brief discussion, Ms. Cronkhite moved, Ms. Constantine seconded, and the Commission voted unanimously to assess a \$50.00 penalty.

Agenda Item #1: January Minutes

Ms. Constantine moved, Mr. Carpenter seconded, and the Commission voted unanimously to accept the minutes for the January 10th, 2001, meeting as presented.

Agenda Item #3B: Representative Jane W. Saxl

Following review of the facts, Mr. Carpenter moved, Ms. Constantine seconded, and Commission Members voted unanimously to assess a \$25.66 penalty.

Agenda Item #3E: Senator Betheda Edmonds

Following review of the facts, Ms. Constantine moved, Ms. Cronkhite seconded, and Commission Members voted unanimously to assess a \$340.95 penalty.

Agenda Item #4A: Russell Libby, Lobbyist for Maine Organic Farmers and Gardeners Association

Following review of the facts, Mr. Carpenter moved, Ms. Constantine seconded, and Commission Members voted unanimously to assess a \$100.00 penalty.

Agenda Item #4C: Douglas P. Denico, Lobbyist for Plum Creek Timber Co.

Following review of the facts, Mr. Carpenter moved, Ms. Constantine seconded, and Commission Members voted unanimously to assess a \$50.00 penalty.



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Agenda Item #4E: Everard B. Stevens, Lobbyist for Commercial Union York Insurance Co.

Following review of the facts, Ms. Constantine moved, Ms. Cronkhite seconded, and Commission Members voted unanimously to assess a \$100.00 penalty.

Agenda Item #5: Comments on Legislation

The Commission reviewed LD 214 (An Act to Amend the Laws Governing Campaign Contributions), LD 285 (An Act to Reform Lobbyist Disclosure Requirements), LD 299 (An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy), LD 388 (An Act to Amend Disclosure Reporting Requirements}, LD 454 (An Act to Clean Up Maine's Clean Election Act), LD 501 (An Act to Reform Certain Features of the Clean Election Law), and LD 624 (An Act to Amend the Clean Election Law). Ms. Constantine inquired whether there would be any objection to her discussing LD 454 with the bill's sponsor. Chair Webster noted that Members do not surrender their rights as citizens when they become Commission Members.

Agenda Item #6: Commission to Committee Correspondence

Mr. Hain presented correspondence from the Commission to the Legal and Veteran's Affairs Committee that followed the joint meeting between the Commission and the Committee on January 10th, 2001.

Agenda Item #7: Lincoln County Democratic Committee

Mr. Hain presented a letter dated January 23rd, 2001, from the Lincoln County Democratic Committee and his response thereto dated January 26th, 2001, addressing the issue of the automation of the Commission's processes.

Agenda Item #8: Maine Clean Election Act Gubernatorial Distributions

Mr. Hain presented the proposed matrix for initial distributions to gubernatorial candidates in the 2002 elections based upon the average of expenditures in the various elections in 1994 and 1998. The Commission agreed to table final consideration and determination of the gubernatorial distributions until the March meeting and directed that interested parties including the Legislative Leadership, State Parties, and former gubernatorial candidates be notified of the scheduled consideration and invited to attend and participate in that determination.

Agenda Item #9: Request for Commission Guidance

In response to the Commission's January meeting determination regarding the liquidation of surplus equipment by MCEA candidates, Senator Anne M. Rand reported having sold on January 17th, 2001, for \$600.00 (a 63% depreciation in fewer than five (5) months), a computer



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and printer with maintenance insurance purchased on August 22nd, 2000, for \$1,632.68 to the Dirigo 2000 Political Action Committee (of which Senator Rand is listed as principal officer). The Commission directed that inquiry be made of Senator Rand requesting supporting justification that the selling price of \$600.00 represents the "fair market value" of the equipment.

Agenda Item #10: Other

Chair Webster announced the selection of Ms. Dorothy J. Perry as the Lobbyist Registrar Reporting Officer to replace Ms. Annette B. Jones upon her recent retirement from State service to the Commission.

The Commission discussed the status of unfiled reports and outstanding penalties and requested that Counsel Gardiner brief the Commission at the March meeting regarding the status of penalty collection and unfiled report cases that have been referred to the Attorney General's Office

There being no further business, on motion and unanimous vote, the Commission adjourned at 12:08 p.m.

Respectfully submitted,

William C. Hain, III
Executive Director